

DAILY RECORD-UNION

FRIDAY MAY 4, 1888

The RECORD-UNION is the only paper on the coast, outside of San Francisco, that receives the full Associated Press dispatches from all parts of the world. Outside of San Francisco, it has no competitor, in point of numbers, in its home and general circulation throughout the coast.

SAN FRANCISCO AGENCIES

The paper is at the salves at the following places: 4th Floor, Room 21, Merchant Exchange Building; 1st and 2nd Floors, Apartment Building, 10th and Market Streets; Grand and Palace Hotel, News Stands; Market and Montgomery Street News Stands; and Market and Montgomery Street News Stands.

Also salves at the salves at the following places:

AMENDING THE TREATY.

The Senate Committee on Foreign Affairs advises that the Chinese treaty be sent back to the President with suggested amendments, with advice to him to secure the concurrence of the Chinese Government in them. This is a direct, unmistakable, open notice to Mr. Cleveland that no Chinese treaty will receive the approval of the United States Senate that does not effect what it purports to desire and what the people demand. The truth is now apparent to everyone that the Bayard treaty is a mere shell through which the Chinese can break at will. Oriental craft cheated the never very enthusiastic Secretary, for his desire to exclude Chinese laborers has not been made manifest in any manner to carry conviction of its sincerity.

The first amendment the President is advised to insist upon excludes all Chinese laborers who leave this country. That is, the hope of return is cut off by the abolition of the grossly abused certificate system. Within the week the RECORD-UNION has expressed its belief that absolute abandonment of the return certificate business for Chinese excluded classes, the absolute exclusion of laborers without an "if or and," is the only practical rule to set up and the only one that will accomplish any good whatever. The second proposed amendment limits the right to return to the excluded classes, and requires applicants to establish, as a condition precedent, that they belong to one of these classes, and have property in this country to the value of \$1,000, or leave behind them a wife or family. So far as now informed of the text of the proposed amendment, we can conceive of no reasonable objection that can be raised.

It is said that the Chinese Minister is ready to accept these amendments. This is a rebuke to Mr. Bayard and to the entire Administration of Mr. Cleveland. How comes it that such loopholes were left in the treaty in the first instance? Is the chief Secretary of Mr. Cleveland so ill-informed as to the facts that he did not realize how faulty was the original treaty? Was Chinese cunning too much for him? Was he so ignorant of the facts developed during the last three years, by attempts to illegally land Chinese at San Francisco that he could not comprehend the weakness of the present treaty and the practical failure of the Restriction Act?

The Democracy will go before the people of the Pacific coast this year with all manner of excuses in its mouth for its blundering in this treaty business. It will enter the campaign defensively upon a chief local question and we cannot see how it will be possible for it to explain away its failure to keep its pledges upon that question. Every one remembers how the Democratic stump speaker four years ago and eight years ago delighted to assail the Republican party on the assumed ground that it had not secured the passage of efficient restriction laws, nor entered into such treaties as would shut the door upon Chinese immigration. They prated then of what the Democracy would do, if only it were invested with power, since then the Democratic party had had full opportunity to fulfill its promises. How it has kept them the people well understand. Had it not been for the labors and protests of Republican members of Congress from the Pacific coast, and the efforts of Republicans of the Pacific coast generally, no advance whatever would have been made—indeed, we would be saddled with a treaty that would have made our latter condition more intolerable than our first.

The fifth resolution in the platform adopted by the Republican State Convention demands "the rigid enforcement by Courts of the spirit and letter of the naturalization laws." It is among the first of the protests from deliberative political bodies, against the looseness with which the naturalization laws are administered. Such protests will multiply and they must be heeded—the sooner the better. It is notorious that for years men have been admitted to citizenship who had no more conception or appreciation of the principles of free institutions; who no more comprehended the scheme of the Republic, or the privileges and obligations of the citizen, and his relation to the laws of the land, than the internal policy of the possible inhabitants of Uranus. The truth is it is the exception, rather than the rule, when the applicant for citizenship is examined and tested, as was originally intended by the creators of the naturalization laws.

It is noteworthy, perhaps, that whereas the California State Convention denounced the new Chinese law as "a great and a grave good question" and unworthy of the support of any good citizen, Senator Sherman, candidate for the Senate, has voted in favor of the bill, reported it back from the Foreign Relations Committee, with a recommendation that it be ratified by the Senate.

Indeed? But how did it escape the attention of our contemporaries that the amendments reported back as conditions to its ratification are radical changes in the document and completely reverse the milk-and-water scheme of Mr. Bayard, since they propose the total exclusion of Chinese laborers and the non-return of those in the United States if they depart for China? The whole matter was hinged upon this "return certificate" business, and it was that weak plank that the Democratic administration put into the party, and into which Senator Sherman's committee puts the scalpel mercilessly.

CAPTAIN E. C. DUTTON, of the United States Geological Survey, who has had exceptional opportunities for observation of Mormon life in Utah and elsewhere, gives it as his opinion, in an able paper in the Forum for May, that if Utah were made a State a hostile power would be erected in the heart of our domain. "Though the written instrument of the Constitution might breathe the spirit of Hamilton or Jefferson, the Mormon people would breathe the spirit of Brigham Young. It might be Republican enough in profession; the practice of the proposed State would inevitably be hierarchic." Of all that has been written and spoken on the Utah question, we have neither read nor heard any expression that so precisely

presents the conclusion and truth of the whole matter as the quotation we make.

A Hollow Mockery.
(Copyright, 1888, by the California Associated Press.)
NEW YORK, May 3d.—Hong Hing, a drunken, disorderly Chinaman, was arrested and put in the lock-up. He was seized with delirious tremens, and tried to dash his brains out against the wall. He only succeeded in mashing superficial wounds.

Well, then, in view of this universality

of condemnation, why has the Democracy, having the power and being in the seat of authority, failed to propose any restrictions by which these objectionable classes can be kept from the American fireside?

The Republican platform demands legislation for their exclusion; that is "business," not the beating of gongs. Let us hear how the Democracy will play from that keynote.

The denunciation of the treaties negotiated by the Democratic Administration with China upon the question of restriction of immigration, was timely and vigorous by the Republican State Convention. The Bayard treaty is more than a sham. It is a step backward, an abandonment of the little we have gained in the matter. The clause requiring issuance of a return certificate to every applicant who files a list of property left behind valued at \$1,000, is a wide open door through which the multitudes of China can pour into this country at will.

PASSAGERS entering the metropolis hereafter by passage over the Oakland land ferry will be allowed to peacefully pursue their course until they reach the wharves—the hotel-runners have been excluded from the boats. This is a great and long-needed relief. If San Francisco would but follow the example of the Southern Company and put the runners of the ferry landing the municipal authorities would be entitled to and receive the fervent blessings of the traveling public.

It is amazing coolness on the part of Senator Voorhees to shout at this late day that he was loyal to the Union cause in the dark days of the rebellion. Can he possibly think that the people of that period, who still live, have lost their memories? Can it be that the Senator forgets the copperhead and rebel sentiments to which he gave utterance, and how he served the rebels well by abusing and obstructing the heroes who were saving the Union?

THE SAN DIEGO UNION says with emphasis that the people and press of Southern California are unduly sensitive concerning any remarks about the southern section that are in the slightest degree critical, no matter how gently couched. Very truly—only "sensitive" is not the word; "childish" better fills the bill, and "silly" would not be far out of the way.

There is no lack of good Democrats who would make good Vice-Presidents. The Hon. George W. Voorhees is one of them.—*St. Louis Republic.*

Respectfully referred to the Hon. John James Ingalls, acting Vice-President of the United States.

The platform adopted by the Republican State Convention is disappointing.—*San Francisco Examiner.*

Certainly—to the Democracy.

OUT OF STATE PRISON.

Judge Armstrong Decides Palermo Ortega Illegally Held.

In the Superior Court yesterday Judge Armstrong rendered his decision on the habeas corpus case of Palermo Ortega, mention of which was made in the RECORD-UNION at the time the writ was issued.

The decision is a very important one, the learned Judge holding that it is not within the jurisdiction of a Superior Court to sentence a man to satisfy a fine by imprisonment in the State Prison. The decision requires that the man be held in the State Prison for the satisfaction of the fine.

The petitioners, Palermo Ortega, were convicted of an assault with deadly weapon in the Superior Court and for the county of Ventura in this State, and sentenced to two years imprisonment. In the State Prison at Folsom and that he had a fine of \$1,000, and in case said fine be not paid at the expiration of said term of two years that the defendant be imprisoned in the State Prison. The decision requires that the proportion of a fine imposed by the court in the first instance be paid for every dollar of said fine, and on the payment of such portion of said fine as shall not have been satisfied by imprisonment the defendant will be held in the State Prison for the satisfaction of the fine imposed at the time of his trial.

"The return of the Warden to the writ of habeas corpus issued and served on him in this proceeding shows that, allowing the rights of the parties, he can be held in the State Prison for the satisfaction of the fine. The question then is: Can the prisoner be held in the State Prison for the non-payment of a fine imposed as a punishment for a simple assault? This could not be done. The law has fixed and defined the place of imprisonment for such cases. Section 1597 of the Penal Code provides that the place of imprisonment for a fine imposed by the court in the first instance shall be the State Prison for the payment of a fine imposed as a punishment for an offense committed in the State Prison for the satisfaction of the fine.

The Warden of the State Prison at Folsom has in this proceeding shown that, allowing the rights of the parties, he can be held in the State Prison for the satisfaction of the fine imposed at the time of his trial.

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